W. HY. SMITH. | Editors.

office, No. 16, Deaderick Street. APRIL 9, 1858.

Mr. Bell's Speech. We commence this morning the publication

of Mr. BELL's Speech on the admission of Kansas as a slave State. Differing as we do, most radically, with our distinguished Senator, upon this important question, we yet desire that the readers of the Patriot shall have the advantage of learning his views as uttered on the floor of the Senate. This much is due to him as a revered and trusted political chief; and we accord it freely and cordially. The speech was delivered on the 18th of March, but did not appear in print until the 2d inst., owing to the great length of the Kansas debate, which has fairly overrun the Daily Globe, although to keep up. extra sheets have been devoted to it almost daily.

Kansas-Lecompton Constitution. SPEECH OF HON. JOHN BELL,

OF TENNESSEE. IN THE UNITED STATES SENATE, March 18, 1858

The Senate having under consideration the bill for the admission of Kansas into the Union as a State-Mr. Berg, said: Mr. President, it is my misfortune to be obliged to address the Senate at this late hour of the day, upon a subject of so much importance, or not at all. After the speech of the honorable Senator from Geor-

gia, (Mr. Toombs,) I shall be compelled to tre-pass longer upon the indulgence of the Sonate than I hoped would be necessary. He ha- made issues, he has stated facts, he has promulgated doctrines and arguments from his seat in the Senate to-day, which no man can pass unnoticed who takes the views I do of this question. He says, in substance, that it is a question of union or disunion; it is no sectional question, but one which concerns the whole country-the North as well as the South. He has proclaimed to the Senate that he has estimated the value of the Union, and that upon a proper occasion, he is ready to state that value. With him it is a myth, a false |dol: and he fears that the State of Ken tu kv, which my honorable and eloquent friend (Mr. C ittenden) so well represents, has worship el and loved, not wisely, but too well, He has brought the question to a point-an issue which it becomes us all to ponder. I have been fearful that there were such calculations as he has suggested, founded on the possible result of this question; but I had before no evidence of it. It was only a vague dread, an impression resting on my mind; but now we must meet it as an admitted fact. It is now placed before us openly, boldly, directly; and therefore I feel called upon to notice it in every aspect to which he has pointed. I do not mean to go into an estimate of the

value of the Union, nor of the consequences which would flow from its destruction; but I mean to go into an investigation of the ques-Senate—the proposition to admit Kansas into the Union under the Lecompton constitution-to show that the rejection of this measure would not be a fit pretext to be adopted by the South, for the purpose of leading to that final issue to which the Schator from Georgia has alluded. It concerns not only the Senate, but the whole country to lock at this question in a different light from tha in which the honorable Senator from G orgia has presented it. I am tempted by these considerations to depart from any regu lar course of argument, such as I had prescribed for myself, in order to notice at the outset some of his most unfounded statements in regard to the true facts of the case. I do not mean any personal disrespect to the honorable Sen stor; I do not mean to say that he has wilfully presented a false view of the case; but many of his statements of fact are wholy un-

I propose to go back to the original organization of the territorial government in Kansas-a part of the history of the Territory which I had intended to pass over, with a summary statement only of such facts-undisputed facts-as might be found chronicled in the public journals, without going into any minute investigation of them; but I now feel compelled to look more carefully into all the details of the subject, by the exigencies and importance of the question, by the demands which I consider the country has on every man having a seat here, to be well informed upon every material point connected with the subject. Like the honorable Senator from Kentucky, I do not mean to refer to the organization of the territorial government in Kansas for the purpose of justifying the party who have opposed that government, for I mean to become the partisan of neither side of this controversy. I have considered from the very origin of these difficulties—the passage of the Kansas-Nebraska act-that there has been more of party interest and necessity than of any possible good to the country connected with this whole movement; and when I say this, I do not mean to impugn the motives of the ho, o able Senators who disclaim any such party interests. They may be unconscious of them. I therefore give them credit for their

discla m r. I shall not at this time enter into a full statement of the facts connected with the election of members to the first Territorial Legislature, which took place in 1855, or with the arm d intrusion of the people of the western border of Missouri into Kansas, at that election. The Senator from Georgia says that the statements which have been made on this subject are entitled to no credit. He ridicules them so far as they are made on the authority of individuals engaged in that invasion, as it has been called, as the idle boasts of vain-glo rious individuals. I admit that, as a general rule, little credit is to be attached to such statements; but I will lay before the Senate some facts that are founded upon that sort of record which the honorable Scuator says will last as long as society lasts. I shall refer to authentic, well-confirmed facts, proved at the time of their occurrence by cotemporary evigood character. I refer, in this particular case, to the investigations of members of Congress,

and of both sides in politics, commissioned and authorized to investigate. Now, what are the most material and promi-I may possibly go into a fuller statement of the circumstances of that election before I close my remarks. A census was taken under a provision of the organic law of Kansas one month before that election, and the returns showed that there were twenty-nine hundred and three qualified voters then in the Territory of Kansas. The election came on, and six thousand three hundred and seven votes were polled, as appeared from the poll-books. Of the twenty-nine hundred and three returned to have been so inflamed and exasperated by on the census list, only eight hundred and the fierce collisions of sentiment and oplutons ninety-eight voted. Where were the remain- between them and their opponents, that their der of the twenty-nine hundred and odd reported in the census returns? As the honora- fatuated, and all their energies came to be ble Senator from Kentucky has spoken of in- concentrated upon one purpose, that of victerviews he has had with gentlemen connect- tory. It will be well to contrast the circumed with this transaction, I will tell what I have stances and results of that measure with the ed with this transaction, I will tell what I have stances and results of that the active with the learned from similar sources. I understand circumstances attending the present question.

Congress, or with or without any act of the learned from similar sources. I understand circumstances attending the present question. that the census returns were, in part, made out in the bord recountier of Missouri; and it appears from an examination of the poll-books, that two thousand persons and upwards, whose urging this measure through Congress, on the names were on the census lists did not vote in the election. We cannot draw any certain inference wh ther the two thousand who did not vote were free-State men who were driven from the polls, or how otherwise. I only state the sample fact, that but about nine hundred of them voted. The argument on the other side is, that of the twenty nine hundred person whose names were on the census returns. seventeen hundred were emigrants from the Southern States, and but 1200 from the Free differ as to the value of the Union of these and should desire to change some of the fea-States. Wel do not know what proportion States, to whom I do not accord honesty and tures of it, or to frame a new one, before the gress! This I understand to be the main pilof the nine hundred who voted were free-State patriotism of purpose. There is simply be one first formed has been presented to Con- lar on which the argument rests, that Conmen from the Northern States, or what por- tween us a difference in judgment as to the gress; or, if presented, before any action has gress is bound to admit Kansas under the Letion came from the Southern States; nor is it true interest of this great country; the true in- taken place in regard to it; could not the peomaterial to decide that question, for only a- terest of the South as well as of the North. bout one-third of the whole voted. The hon- connected with the Union. When my attenorable Senator has spoken of intrinsic evidence; tion is invited to the consideration of the adhe has appealed to what he considers the mon- vantages and blessings that may follow disumental record that is to last as long as soci- union to the South, I shun the subject as one

ety lasts. I appeal to it, too.

Mr. Bell. Yes, sir. Mr. Tooms. I assure my friend he is mistake i, for my friend from Vermont, (Mr. and voted. His complaint was that they

but I will allow the Senator from from Vermont to sava word, as he was alluded to by the Senator from Georgia. Mr. COLLAMER. The names of the six thou sand who voted are all on the roll; and when you count those names, there are but eight hundred of them who are on the census list.

Mr. Toombs. I do not understand that. Mr. Bell. Does the honorable Senator from Georgia say he has examined the names? Mr. Toomss. They have been examined by friend of mine. Mr. BELL. Is it not a fact that only about nine hundred of those whose names were on

he census list voted? Mr. Toombs. I think that is a mistake. Mr. BELL. I can refer to the evidence. Mr. Toombs. What evidence? Mr. B LL. To the report of the names that were polled, compared with those on the cen-

Mr. Toomes, That, I think, you will find not to be a record. That is the difficulty. Mr. Bell. But it shows the returns of the election, and is evidence, Mr. Toomes. There is no such record in the

world. Let me explain to my friend what I The census that was taken was a remean. cord. As for all these accounts, by which it is made to appear that only eight hundred of those who were on the census list voted, they do not appear by any lawful authority-by any record. Has any person, on whom the Senator from Tennessee relies, ascertained the

Mr. Bell. Yes, sir. Mr. Toomes. It was never ascertained by any authority. Mr. Bell. The committee of investigation of the House of Representatives ascer-

tained it. Mr. Toombs. I do not consider their report record; but perhaps I do not understand what a record is Mr. Bell. Perhaps I do not know what a

record is. I refer to all the record that could exist in such a case, and I say that this fact is stated on sworn evidence. Will that pass for evidence? It was testimony taken by authority of the House of Representatives, by members of both political parties. Mr. Toombs. If it is evidence in itself.

t is evidence for the purpose-not other-Mr. Bell. The clerk of the committee of nvestigation compared the names on the census rolls with those on the election return lists or poll-books, and of the twenty-nine hundred returned on the census rolls in February, 1855, he could find only eight hundred and ninety-eight names recorded on the poll-books or list of voters returned in March. Now, the question is, where did the other five thousand and odd votes that were polled on the 30th of March, 1855, come from? From over the borders, of course, or made up by forged returns. These are facts, as well authenticated as facts of the kind could be-not in ancient times, not in the dark ages, but in the present day of light. These facts were ascerained under the supervision of a joint com- | a State constitution; but since I have heard nission of partisans on both sides of the quesion. I do not desire, however, to pursue this

nquiry now, for I mean to resume it at another time. I will merely say here, that at | particularly wild, shooting estra flummantia this election, by these means, every member of the Council and House of Representatives dected, except one, was of the pro-slavery party. Governor Reeder set a ide the election certificates in several cases, on the ground of irregularity or fraud, and new elections were ordered; but in those cases where the free-State men were returned elected, the Legislature rejected their claims to sit as members, and admitted those who had been set aside by the Governor. The pro-slavery party thus member, as I understand the history of the

Mr. Toombs. That is true. Mr. Bell. The honorable Senator admits that to be true. It was all a one-sided affair, and made so by the five thousand and odd voters in that election not found on the census returns. The honorable Senator in the course of his speech appealed to the judgment of the impartial-to such as have no connection with either of the parties in Kansas-and asked what would be their decision upon this question? I appeal to the same impartial tribunal. That Legislature was elected chiefly by voters from Missouri; by citizens who had no right, by the organic law, to interpose in the election. t was irregular, and unlawful in every sense of the word.

But, sir, I am anticipating my argument. I thought, however, that I would travel out of ny course for a few moments, in order to show that the honorable Senator from Georgia was totally mistaken as to the facts that I considered fundamental in coming to a right understanding of this question. I saw that the honorable Senator from Kentucky, not having looked into these points as carefully, perhaps, as I had done, was utterly amazed. e seemed to be confounded, when his friend from Georgia gave such a totally different version and coloring to the facts connected with the election of 1855, from what he had

understood. The honorable Senator from Georgia has furnished me, in the course of his argument, with some points for consideration for which I thank him. He tells us in substance, and plainly enough, that it is victory which is now to be contended for. This measure must be carried, now that an issue is made upon it .-He has pronounced high and overwrought eulogies on the course of the distinguished gentlemen now at the head of affairs in relation to this question. I shall attempt to show low far, and with what justice, they are entitled to the eloquent enlogium of the honorable Senator from Georgia; and this I shall not do with a view of manifesting any personal disrespect to those high functionaries. I do not seek, in anything I shall say now or at any time, to detract from the high personal character of those distinguished gentlemen. I am not sure, however, that they have been the bold and undannted men that they ought to be in the positions which they occupy, at such a time as this, in such a crisis as this and upon such a question as the present. fear that they have cowered and quailed before such bold men as the Schator from Georgia, and others who concur with him as to the policy which ought to be pursued in relation

o Kansas affairs. The Senator from Georgia, throughout his speech, seemed to be resolved upon victory, a carrying out all his plans connected with Kansas affairs, whatever consequences may follow; and I am afraid that the President and his Cabinet may have been constrained to espouse this measure under the positive and mperious requisition of such gentlemen as the Senator from Georgia.

I intend, if I have time, to review the Kand nie-testimony taken by men of credit and sas-Nebraska act, and its consequences, respectfully towards the authors of it personally, that the country may learn a lesson from it. I shall not undertake to teach the Senate to what extremes the passions of men may lead them when they once get fully comnent facts connected with the election in 1855? mitted to a violent controversy on such questions. It was the passion for victory that carried the Kansas-Nebraska bill through Congress, under circumstances more extraordinary than ever attended the passage of any measure, so important in its consequences, through any legislative body, except, perhaps, in the times of revolutionary France, I do not mean to say the centlemen were actuated by bad principles, or mischievous purposes; but Senators and Representatives seemed to me reason was taken captive; they became inone side, and of the evil consequences which | before Coogress shall have accepted it? Gen- not reflect the will of a majority of the peomay follow its adoption, on the other. It is more than indicated; it is boldly assumed by was regularly and fairly formed, under the the election of delegates to the convention that some gentlemen, that the rejection of this measure will be regarded as a decision that no more slave States are to be admitted into stated. What follows? Have the people lost tion; and, upon these grounds, they say it the Union, and the consequences which may all power over the constitution so formed, befollow such a decision are pointed to in no fore it is accepted by Congress? Suppose the ple of Kansas to impose this constitution upon

equivocal language. There is no gentleman here with whom I that is speculative only, and prematurely Mr. Toomss. Do I understand my friend brought forward. That is a field of inquiry to say that of the twenty-nine hundred voters into which I do not propose now to enter. formed, and proceed to form a new one? I but he afterwards said that Congress was not When an issue is made; when a question does should like any honorable Senator to state why arise demanding such an inquiry as that, I they have not ample and complete power over under such authority; though he did conshall be ready to enter upon it, and to estimate the whole subject until the last moment bethe value of the Union; but I will not antici- fore the admistion of the Territory into the it had passed an enabling act, and the people pate the occurrence of any such contingency. Union as a State; and this upon every princi- of the Territory had accepted and acted un-Collamer.) said in his report that six thous- When the North shall, by any deliberate act, ple of sound doctrine and constitutional law der it. If Congress would not be bound to Legislature may be said to have been a unit deprive the South of any fair and just and known to this country? Certainly they have, accept a constitution formed under territorial Now, take the case of the Lecompton constitution authority, derived from the organic taw, what

as a slave State, the powerful North, without any of the feelings and resentments naturally growing out of the repeal of the Missouri comomise in regard to Kansas, should deliberately announce to the South, "you shall have no more slave States," that would afford a pretext with which the South might with some reason, and with some assurance of the approval of the civilized world and of posterity. seek to dissolve the Union. I know that it is supposed by some that the day will come when the North, in the arrogance of its power, will furnish just such a pretext as I have indicated; and the Senator from Georgia and others have I would have them make no questionable is- that constitution. sues in advance, stir up no strife upon unnecessary abstract questions, having no practical ritory applies for admission into the Union

from that quarter. tended to pursue, by reason of the unexpected | this constitution.

my remarks, to meet some of them. Now, Mr. President, unless this is to be the inauguration of a sort of saturnalia of principle: unless, from this time forth, there is noth- | o'clock ing to be considered as established or permanent in this country; unless all the old landmarks are to be removed; unless the waters are to be let out, and all the highways are to be broken up, it would be an easy matterthe most easy task in the world-to demonstrate that, according to all sound principles, there is at this time no application before Cougress, with the assent of the people of Kansas, for admission into the Union as a State. I do not know whether other Senators have thought of the question in that aspect or not. What is the true doctrine on this subject? I had supposed that there could be no disagreement as to the true principles connected with the rights and powers of the people in forming

not know what principle he agrees to. I say that in no disrespect; but I thought he was mania mundi, on those high points of doctrine which he, in some parts of his speech, thought proper to enunciate. Does any person here leny the proposition, that the people of a Territory, in the formation of a State constitution, are to that extent-quoad hoc-sovereign and uncontrollable, though still owing obedience to the provisional government of the Territory? Will any Senator contend that act? Nothing more than to signify to the

admit them into the Union as a State. an act of a Territorial Legislature. But suppose the people, either under an act of the convention, by delegates chosen by the people, and form a constitution; what then? Has it any vitality as a constitution? Does it transform the Territory into a State? Has it any binding force or effect either upon individuals or upon the community? Nobody pretends that it has any such force. It is only after the acceptance of the constitution, and the admission of the Territory into the Union as a State. that there is any vigor or validity in a con-

its provisions are written, so far as any legal or constitutional validity is concerned. But, upon principle, the people of a Territory, without any act of the Territorial Legslature, without an enabling act of Congress, can hold public meetings and elect delegates to meet in convention for the purpose of formne a constitution; and, when formed, it has all the essential attributes of a valid constitution as one formed in any other way. Many Senators contend that it is the inalignable and indefeasible right of the people of a State at all times to change their constitution in any manner they think proper. This doctrine I do not admit, in regard to the people of a State; but, in reference to the formation of a constibe no question as to the soundness of this doc-They can form a constitution by delegates voluntarily chosen and sent to a con-Nothing at all, until Congress shall acas a State under that constitution. It is a constitution formed under a territorial act,

The honorable Senator from Georgia says that the special measage of the President on this subject will stand as a lasting monument of his patriotism, boldness, and adherence to the high principles of constitutional justice and right. I say that, according to the doctrine of that message, the people of a Terri- the application of Kansas to be admitted into tory have the right at any time to meet voluntarily in convention, in mass or by delegates, and to form a constitution; and when so formed, that, in virtue of the same powers of as an outrage upon southern rights and feelor change it, ot form a new constitution, at any time before Congress shall have admitted | would reject it is, that it recognizes slavery. them into the Union as a State, under the con- That is the position assumed by the President

stitution as first formed and adopted in convention. I know that the honorable Senator's argument upon this point was so mixed up with qualifications-such as that this act of soverignty must be exercised in regular form—that I cannot assert that he has admitted the principle I have laid down; but others have. All agree that no constitution formed by the peowith the constitution they first agreed upon,

people of Kansas should become dissatisfied pie, either before the presentation, or between the presentation to and the acceptance by Congress, through the same regular forms in which the coastitution was originally formed -that is to say, under an act of the Territo- gued the general question to-day on the asrial Legislature- decide to set aside or re- sumption that that act did give to the people ject the constitution which had been previously of Kansas the power to form a constitution

enable right and power over the subject of their form of government, that they cannot alter, reform, or abolish it; that it must stand as it was originally formed, until Congress shall have passed upon it, accepting or reject-The idea of the President is, that when a Territory is once prepared for admission into

the Union by the formation of a State constitution, the Territorial Legislature has no power over it. That is not the question. The question is have the people of the Territory the power over this constitution, and have they exercisargued this question on the ground that it will | ed it? The Legislature elected in October did come; but I must see it come before I will proceed to provide for taking the sense of the calculate the value of this Union. I trust that | people in regard to this constitution with the day will never come. I do not believe it will same regularity, and at least as unquestionable come if the South is wise and true to itself. I in regard to fairness as the original election of would not have the South truckle or surren- delegates to the convention which formed the der any of their rights. I would not have Lecompton constitution; and the people have them yield one jot or tittle of their rights; but | decided, by an overwhelming majority, against

the variation of a word.

braska by their organic laws. The authority

given in those acts to the Territorial Legisla-

tures extended "to all rightful subjects of leg-

islation, subject to the Constitution of the

United States." Why was the peculiar lau-

guage I have adverted to employed in the

Kansas organic act? The purpose it has an-

swered we are all well advised of. We know

that it answered fully and completely the de-

sign with which it was incorporated into the

Kansas-Nebraska act. It served to conciliate

the support of northern men. It would be a

most mischievous doctrine, indeed, if it were

true that the organic law of Kansas gave the

people the power to form a State constitution

to time or population and to demand admis-

sion into the Union as a right, which Congress

could not resist without a violation of good

faith. According to this construction of the

organic law of Kansas, not only Kansas, but

New Mexico and Utah, must be admitted into

the Union whenever the p ople of those Ter-

ritories shall think proper to apply for admis-

sion. It might be no great outrage to admit

New Mexico at any time; but to admit Utah,

with its Mormon population, upon computsion would not be so seemly upon the principle

sought to be applied to Kansas. The people

of the Territory of Nebraska, though not ex-

ceeding probably some four to five thousand

in number, would have a right to form a State

constitution, and demand admission into the

Union now, or as soon as they think proper

to form a constitution and demand admis-

The idea that the Kansas organic law con-

fers on the people of Kansas power to form a

State constitution, and demand admission in-

to the Union at their discretion, is subversive

of every principle that has been considered

established heretofore in connection with the

admission of new States. Unless we mean to

tear up all the old landmarks which have reg-

ulated us on questions of this description, i

is a heresy which ought to be met at the

threshold. Nevertheless, it is solemaly main-

tained by the President. I think it is suffi-

cient proof that this is a heresy, that the Sen-

ator from Georgia, who endorses everything

else in the President's message, abandons the

President on this point, after he had stated in

his message that this point was "too clear to

Well, sir, to employ the language of the

President, it being to clear to admit of an

argument that the organic law of Kansas con-

fers no power upon the people to form a State

constitution, and there being, of course, no

obligation of good faith resting upon Con-

gress to admit that Territory into the Union

under the constitution now presented to us,

how stands the main question, and upon what

principles are we to decide it? Just as all

like questions have stood heretofore, when

Congress had passed no enabling act, and is

to be decided upon like principles of reason,

expediency and propriety. The present application of a Territory to be admitted into

the Union under a constitution formed with-

out the authority of Congress, is an appeal

to the discretion of Congress, which has power

to admit or reject, as may be thought expe-

dient or proper, under all the circumstances

of the case. The application is open to all

exceptions which may be taken to it—to all fair and reasonable objections—as, for exam-

ple, that the constitution does not reflect the

will of the people; that a majority or any

respectable minority of them have not been

represented in the convention which formed

it; that a strong feeling of discontent and op-

position exists among a large portion of the

people upon the subject. One object that

Congress ought to have in view in such cases

would be, to give general satisfaction to las

the foundation of good-neighborhood feeling

among the inhabitants of the proposed new

State. Not only should the complaints of

the majority be inquired into, but those of a

minority also. I do not know of any in-

stance where Congress has admitted a State

where there was a respectable protesting mi-

Let us now examine the grounds upon

which this application stands, according to the

principles I have thus laid down. I am afraid

I shall be somewhat tedious, because I propose

at the risk of some repetition of what I have

before said, to note all the leading facts and

circumstances connected with this subject to

be found in the brief and disorderly annals of

Kansas. When the Kansas-Nebraska bill was

first brought forward in the Senate, in Janua-

ry, 1854, there were probably not over a hou-

dred white inhabitants in the Territory, ex-

cluding some few United States troops. As

soon as the bill passed, the whole Territory,

except the Indian reservations, was thrown

open to free competition between the North

and the South, between anti-slavery men and

pro-slavery men, to settle, by superiority of

numbers, whether Kansas should be a free or

slave Territory; for, at that time, the popular

understanding and interpretation of the Kan-

sas-Nebraska act was, that the people of the

Territory were authorized to settle that ques-

tion by an act of the Territorial Legislature,

and before they should come to form a State

constitution. To be sure there was a clause

in the organic law that this power was to be

exercised, subject to the Constitution of the

United States; but the Constitution had been

in existence more than half a century, and

there had been no judicial interpretation of

the Constitution which could lead the people

to suppose that they were not fully authorized

to decide the question of slavery by a territo-

rial enactment. A considerable portion of

the people of the North and East, in resent-

ment of the repeal of the Missouri compro-

mise, and resolving that the South should not

derive any benefit from what they considered

the wrong inflicted upon them by that meas-

ure, in the establishment of a new slave State

resorted to the organization of an emigrant aid

society, by which they were enabled to furnish

large facilities in money, and in other modes

to quicken emigration, with a view to provide

a sufficient number of settlers to control the

election of members to the first Legislature,

which it was supposed would decide the ques-

The people in the western counties of Mis-

souri, living in slaveholding communities, and

feeling a deep concern that Kansas should not

become a free Territory or free State, formed as

sociations on their part, and adopted such other

measures as they thought necessary to scenre

the ascendency of the pro-slavery settlers in

the election of members to the Legislature.

When the day of election came, on the 30th

day of March, 1855, many armed companies

friendly to their views, they allowed them to

remain in the discharge of their duties. The

result, without going into further details on

that point, was, that every pro-slavery can-

didate but one was returned as elected. The

returns of the census, taken under a require-

ment of the organic law, one month before

this election, showed 2,903 qualified voters

then in the Territory. At the election 6 307

votes were polled. Of the 2.903 whose names

were upon the census rolls, only 898 voted at

the election. This fact appears by the com-

parison of the names on the poll-books with

the census returns. These facts speak for

themselves. Either the census returns were

false, or the Free-Soil voters were driven from

certain that some four or five thousand Mis-

the polls. But, be that as it may, it appears

tion of slavery in the Territory.

admit of an argument."

when they pleased without any limitation as

I say, therefore, that when you come to exessary abstract questions, having no practical amine this question on every principle convalue; but to do always what is just and right nected with the inalienable rights of her peoupon all questions. When a people or a Ter- ple, announced by the President and his principle supporters here, there is really no appliunder a constitution fairly formed, with the cation before us for the admission of Kansas assent of the people excluding slavery, I into the Union with the assent of the people would admit it promptly; and when an ap of that Territory. Nevertheless, there may be plication comes, on the other hand, from the such a condition of public affairs as to overpeople of a Territory who have fairly formed a ride all established principles; but it must be constitution recognizing slavery. I would in- a very strong case to do that. It may possibly sist upon its admission as a slave State. If be that a case exists which may justify us in the North should not agree to this, it would disregarding the manifest will of the people of then be time enough to consider of the proper Kansas, and taking this instrument presented remedy. But I would make no such issue to us by the President as the legitimate expowith the North now, and before any occasion | nent of the sense of the people of that Terrifor it has arisen; and I regret most sincerely tory, and admit it into the Union as a State. to hear any Senator from the North suggest- But unless such a case of overruling necessity ing that such an issue will ever be tendered | can be made out, I maintain that it is enough to say, in opposition to this measure, that there I have been led to make these remarks alto- is no application made to us by the people of gether out of the course of argument I had in- Kansas for admission into the Union under

Having disposed of this point, as the Senate speech of the Senator from Georgia on this nestion; his extraordinary statements and has already determined that it will take a reavowals, both as to doctrine and matters of cess until seven o'clock. I request that, as but fact. I have felt it necessary, at the outset of a minute intervenes between this and the appointed time for taking the recess, they will do me the favor to take it now. On motion, the Senate took a recess until 7

> EVENING SESSION. The Senate reassembled at 7 o'clock, p. m. and resumed, as in Committee of the Whole the consideration of the bill (S. No. 161) for the admission of the State of Kansas into the

Mr. Bell. I regret that the speech of th

honorable Senator from Georgia, was of such a character and tenor as necessarily compels me to go more into the detail on this subject than I had supposed would be proper after the very full investigation and discussion which have already taken place on most of the material points connected with it.
Unless, this bill, when it is but to the test of the speech of the Senator from Georgia, I do

a final vote, shall assume some different shape. I shall be compelled to east my vote against it : and after what has been said by the Senator from Georgia, I feel it necessary to make a record of the facts of this case, as I understand them-not such a record as I can hope will stand as long as society lasts, in the lanmage of that Senator; but such as I think ill stand the scrutiny not only of the present out of future time. I need say but little in regard to my posi-

ion in relation to this subject, now or heretofore. I will say, that I may claim to be impartial between the parties that divide upon the Territorial Legislature can either give to it. I owe no allegiance to either of them, nor the people any power over that subject which am I swayed by any pride of consistency secured the whole Legislature, except one they did not possess before, or withhold from which some may feel, leading them to support them any which they did possess? The Territo- all the measures that may be regarded as part rial Legislature cannot dictate any one provis- and parcel of the original movement—of the ion of the constitution which the people think repeal of the Missouri compromise. The proper to form. Who is prepared to contend | honorable Senator from Georgia treated this that Congress can do anything more in this respect than a Territorial Legislature? It is sas-Nebraska act of 1854. The contest at this usual for the Territorial Legislature, when the time he regards as involving a principle and people desire to apply for admission into the Union, in the absence of an enabling act of Congress, to pass a law providing for the assem- and looking at it in all its aspects, that it bling of a convention to form a State constitu- would ever bring any solid benefit to the tion. But that is a mere usage, resorted to when | South. I never impuged the motives of hon-Congress has not thought proper to pass what is called an enabling act. What is an enabling of the subject, but I did not believe that it would lead to the permanent establishment of people of a Territory that if they shall think any principle of any practical advantage to proper to meet in convention and form a State | the South; but, on the other hand, that it constitution, in compliance with certain forms | would prove injurious to southern interests.

therein prescribed, to insure a fair expression I think so still. of the people's will, Congress is prepared to With regard to the present question, I lay down as the basis of my conclusion as to But such an act gives no more power to the | what ought to be done, that the solution of it people over the subject of a constitution than | which promises the speedeist termination of this dangerous slavery agitation is the true one. This dangerous agitation has continued ferritorial Legislature or of Congress, meet in long enough. There has been no mitigation of it in the last four years. There have been intervals of apparent repose, but it was just such repose as foreboded increased disorder and commotion. It is time to terminate

The question is, what is that solution which promises the speediest and most permanent remedy for these difficulties? Divine that to me, who ver can, and I will follow his lead. How shall we cut this Gordian knot of stitution so formed. Before that time, it is Kansas politics? Shall we cut it by the worth no more than the perchaent on which sword? Shall we first subdue the rebellious faction said to exist in Kansas by arms, or shall we attempt to unravel this tangled skein by some more peaceful means? The President assures us that the best, and I believe I am warranted in saving, from the language of his message, the only mode by which this dangerous slavery agitation can be quieted. and peace be restored to the whole country, is to admit Kansas under the Lecompton constitution; or, at all events, that to adopt this course will localize agitation, and leave the

ountry and the Halls of Congress free from strife upon this exciting subject. The President, furthermore, appears, from the tenor of his message, to consider that Congress is under an obligation, binding it in tution by the people of a Territory, there can good faith to admit Kansas under this constitution. He states this proposition in his mes ssage, "that the organic law recognized the right of the people of the Territory, without cation, but what is it worth when it is form- an enabling act of Congress, to form a constitution, is too clear for argument." The ascept it and admit the Territory into the Union | sumption then is, that this is a constitution formed in pursuance of authority derived worth no more in that case than in the case of from the organic law of Kansas, enacted by Congress. He adds, that "it is impossible or an act of Congress; but it is worth just as that the people could have proceeded with more regularity in the formation of a State constitution than the people of Kansas have

In another passage of his message, he peaks of this constitution as having been fairly submitted for the ratification of the people." Hence the conclusion, that to reject the Union under these circumstances, would be a violation of plighted faith. It is also said that such rejection would be justly considered sovereignty over the subject, they can alter | ings, inasmuch as the only objection that can be taken to this constitution by those who and those who support his policy upon this subject, with this addition, that we have no right to go beyond what appears on the face of the constitution, and the official authentication of the public acts and proceedings which led to its formation and subsequent ratification by the people; and that whatever irregularities or trands may have occurred or been practiced connected with its formation ple of a Territory, whether formed in one way | or ratification, are altogether foreign to the or another, has any validity or binding force. question before us; and so of the question until the admission of the Territory into the | which has been raised as to whether a majori-Union as a State under it. Then, according to ty of the people of Kansas approve the conthe admitted principle that the people of a stitution or not. All such inquries are repu-Territory have a right to form a State consti- diated as irrelevant. Such is the issue made tution, with or without an enabling act of up and presented on the part of the supporany constitution formed by them, at any time | er in the Territorial Legislature ; that it does provisions of an act of the Territorial Legisla- formed it; that the constitution was not fairture. Let all this be admitted to be true, as | ly submitted to the people for their ratificawould be an outrage on the rights of the peothem. Now, how are the facts? Has this constitution been formed in pursuance of legal compton constitution, without inquiry as to the truth of any alleged irregularities or francis connected with it, or as to whether the majority of the people approve it or not. I noticed that my friend from Georgia ar-

sourians voted at the election, or the returns were fraudulent. Complaints were made from several precincts that the election was carried by violence, and Governor Reeder set aside the returns in several cases, and ordered new elections; and in all these cases except one, Free-Soil candidates were returned elected. When the Legislature met, however, they were all ejected, and the persons first returned as elect-ed allowed to take their seats—so that the on the slavery question.

That body proceeded to enact a code of laws. No act was passed establishing or prohibiting slavery. The question was not put

board, or to apr8-tal apr8-tal

For Cairo and St. Louis, Tuesday, April 13th.

matter asserting, that it was not lawful to the President of the United States, I think there is no pretext for the assumption that hold slaves in Kansas. Test-oaths were prethe organic law of the Territory conferred any scribed for voters and other regulations for such power as is claimed. If it did, the orthe conduct of subsequent elections, well calganic laws of Utah, New Mexico, and Ne-braska, conferred the same power on the peo-slavery party to carry all elections, and to slavery party to carry all elections, and to ple of those Territories, for the language is keep the government of the Territory under identical in all those laws. The Kansas ortheir control; and they succeeded in that obganic law, after describing the boundaries | ject until October, 1857. of the proposed Territory, proceeds to declare

In explanation of, and in justification of these high-handed proceedings, commencing with the election in March, 1855, it is alleged "The same is hereby erected into a temporary gov that a gigantic fraud was committed by the ernment by the name of the Territory of Kansas; and when admitted as a State or States, (if divided,) the Emigrant Aid Society in attempting, by unsaid Territory, or any portion of the same, shall be re-ceived into the Union, with or without slavery, as their usual and violent means, to make Kansas a free State. I have no defense to make of the constitution may prescribe at the time of their admisproceedings of that society; but it is material to state that, upon investigation, I find that The organic laws of New Mexico, Utah, and before the first election in March, 1855, only Nebraska contain similar provisions, without one party or company of emigrants arrived in Kansas under the auspices of the society, I make no account of the other clause in consisting of one hundred and sixty-nine the Kansas organic law, which provides that souls, men, women, and children, and that its true intent and meaning was, to leave the thirty-seven of them voted at that election. I people to form their domestic institutions in deplore, as much as any man can do, the spirit their own way; because I agree with the Senin which this Emigrant Aid Society was gotator from Georgia, that that gives not one jot ten up. I believe that it tended strongly to of power which was not given to the people of the Territories of Utah, New Mexico, and Ne-

promote and foment discord not only in Kansas, but throughout the country. The Territorial Legislature have passed acts of the character and tendency I have stated, from that time forth, it is fair to both sides to state that the mass, at least the largest portion of the Free-Soil party, or Abolitionists, as gentlemen, according to their tastes, choose to call them-and no doubt many of them were Abolitionists-avowed their determination never to submit to the authority of the territorial government, nor to yield obedience to its laws. That spirit of resistance and rebellion against the territorial authorities continued to exist to October

I trust that I have, so far, given the history of Kansas affairs truly and fairly. I agree with the Senator from Virginia [Mr. HUNTER] that, as a question of duty and public morals the free-State men ought to have submitted to the authority of the territorial government and to have waited like good citizens, with patience, a remedy for their grievances, which time could not fail to bring, or, at least, so long as any hope remained that relief would come in a reasonable time; for, as the Senator from Virginia says, and says truly, whether a government be founded in fraud or usurpation, or not, there is a necessity for some goverament; no society can endure in a state of anarchy; civil war and bloodshed are worse evils than the endurance of an unjust government for a short period.

To resume my narrative. The second election for members of the Legislature and Delegate to Congress came on in October, 1856. The Territorial Legislature having passed an act in 1855 for taking the sense of the people upon the call of a convention to form a State onstitution, at the election in October, 1856. a vote was taken accordingly on that subject. The number of votes polled at that election was about twenty-five hundred, the free-State party not voting. All the votes cast, I bewere in favor of the call of a convention, and none but pro-slavery men were elected to the Legislature.

I have omitted to state in the regular order of time that the Free-Soil leaders called a meeting of the people in 1855, at which delegates were chosen to meet in convention at op ka, in S ptember, of that year, to form a ate constitution. The convention m. t, formed a constitution, and application was made to Congress for admission of Kansas into the Union, as a State, under it. The House of R presentatives, in 1856, passed a bill to admit Kansas into the Union under that constitution, but it was rejected in the Senate. What the motive was to this proceeding on the part of the Free-Soil party may well be supposed to have been, as it is alleged it was, to be relieved from the unjust legislation of

the territorial government. The Topeka constitut on has been stigmatized as a revolutionary movement. If a government had been set up und rit, it would have been so, undoubtedly. Bat, though there have been two elections of a Governor and members of the Legislature under that constitution, yet no government has been put in operation under it; though I have no doubt that some of the more desperate I aders of the party which formed this constitution were prepared to take that step, and would have done so if they had not been overruled by the more moderate portion of their followers. The Senator from Virginia [Mr. Hunter] took no notice of the formation of the Topeka constitution, except to ridicule it as Gen. Jim Lane's production.

I am not sure that he was warranted in treating it with so much disrespect, when the President put forth the doctrines to be found n his special message upon the subject of the right of the people at all times to change their form of government; unless you deny to the people of a Territory a right which you concede to those of a State in that respect, which would be contrary to the principle of popular sovereignty so strongly maintoined by the authors of the organic law of Kansas. [TO BE CONTINUED]

Uem Advertisements. VARNISH.

To Coach and Carriage Manufacturers, Cabinet Makers and Painters. undersigned have received the agency for the of the celebrated VARNISHES manufacture which are universally acknowledged to be superior t other Varnishes in the United States, and have in ved a large supply of the following different kind which they will sell at a very small advance on Manu

Black Enameled Coach Body Varnish. Im. English Wearing 6 Pale Coach " Brown Japan Scraping Black fron White Copal Damar Walnut Stain RAINS & BROWN,

No. 19 Public Square, opposite Market House. Money Found. Wednesday evening last there was found in Mr

O Barkhorn's Cigar Store, on Deaderick street, Thirty Dollars, which the owner can get by describing the same, and paying for this advertisement, on appli-MADAME LA ROSE, THE world-renowned Doctress, and Goddess of th

Planet readers, has entered the city. She can be seen at No. 75, Union street, opposite Odd Fellows Hall. She can describe all diseases which afflict humanity. Ladies in feeble health are particularly re-quested to call. Thousands can testify to the mosmpanion; describes friends and enemies; can bring separate tegether, and cause speedy marriage Thousands have consulted her with entire satisfaction Ladies admitted from S.A. M. until I.P. M. Gentlemen from 2 P. M. until 8 P. M.

Auction Sale. Saturday Morning, April 10th, BENJ. F. SHIELDS III. sell a great variety of SUNDRES, new and damaged, to close out logs. This sale will embrace articles of utility.

At the same time will be sold the remaining rights in

the Cherokee Planter and Great American Corn She or, and we believe the best Seed Sower invented.
Also, will be added to this sale, two second-han of Missourians appeared at the polls in most of the election districts and precincts; and months' time for sansfactory paper.

152NJ. F. SHELES. Steamboats.

> Regular Friday Packet for Memphis. On FRIDAY, the 9th of April did new steamer B. M. RUNYAN, passage, having spiendid accommodations, apply to For Louisville and Cincinnati. THE fine Passenger Pack-et POLAND, Guary, Captain, will leave as above

> Captain, will leave as above THIS DAY, at 5 P. M. For Freight or Passage apply JNO. H. HARRIS, For Cincinnati and Pittsburg. THE new and light draught steamer, GLENWOOD, Capt. Rounsson, will leave for the above apply on Board, or to

> For Cairo and Memphis. THE fine passenger packet,
> and regular United States
> Mail Steamer, J. G. CLINE,
> C. D. Elliott, Master, will leave MONDAY
> April 12th, at 2 o'clock, P. M., for the above and al

doubled.

Mr. Bell. I see that my friend from Georgia does not understand the question at all, and I was utterly astonished when I heard him and I was utterly astonished when I heard him this statement passing over or denying the principal facts of the case.

Mr. Collarer. Will my friend from Tennessee allow me to say a word?

Mr. Bell. It is needless; I know the facts;

Mr. Bell. It is needless; I know the facts;

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Mr. Bell. It is needless;

Mr. Bel

New Unblications.

Morton's Gold Pens. A SUPPLY OF

MORTON & CO.'S GOLD PENS. JUST RECEIVED BY

W. T. BERRY & CO. NEW WORK By Rev. Dr. Halsey of Louisville, Kentucky. The Literary Attractions of

the Bible. Or, A Plea for the Word of God, considered as a Classic.

BY LE ROY J. HALSEY, D.D.

1 vol. 12mo. \$1.25. In the following pages it is proposed to present an itline of what may be called the incidental attrac ons of the Bible-to set forth its claims, both as a classic and as a book of general education. Regarded simply as a book of learning, of taste and genius, of history and eloquence, it has exerted an influence which cannot be too highly estimated, and commends itself to every cultivated understanding. It is the book of our learning, not less than our religion; the basis of our civilization, not less than our salvation It has moulded into shape, it has quickened into life the whole body of our secular learning, as well as our eology; it has breathed its own vital spirit into all our science, literature, legislation, philosophy, and social and political institutions

It is these attractions, which may be felt and apreciated even by the irreligious and worldly-mind-1, which we propose to group together in one distinct and connected view. Our object will be to speak of the Book of God as a production of inspired genius and classic taste to reveal something of its immeas urable wealth, as a field of knowledge and a mine of wisdom, a model of eloquence, a master-piece of poe sy, a text book of instruction; and thus to render it, o far as we shall be able, attractive to all.

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Appropriation and Conclusion.

W. T. BERRY & CO., Public Square. mpr2-if New Volume Tennessee Reports. (Fourth Sneed.) JEST BEEN TOT.

REPORT OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT OF TENNESSEE, during the fiction there is none more pleasing and instructive than years 1850-7. By JOHN L. T. SNEED, State Reporter Mrs. Hentz. W. T. BERRY, Public Square.

For Sale at Auction. WILL sell on next SATURDAY, 10th inst., at the Wild sett on next saxt the House Servant Court house gate, a first rate House Servant Wild, L. BOYD, Jr

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ON NORTH MARKET STREET. apr8-1ws By J. C. HUDSON & CO. J. CLAY MARCH. VAN B. HOLMAN.

MARCH & HOLMAN, J. C. MARCH having purchase I the entire interes of Wm. Amison, of the late firm of Amissia & Co. the business will now be continued under the above style, at No. 48 Cherry street, where will be kept con-

stantly on hand a good sapply of Winos, Laptons, Ci-gars, Fruits, &c. By giving proper attention to busi-ness, and keeping nothing but the best they expect to please their customers, and respectfully solaitashare of public patronage. In retiring from the inte arm of Aumison & Co.,) affords me pleasure to recomm and Mosses. Manca A Hotman to my friends and the public generally. If you wish good Wines, Liquors Cigars, or mything

cise in their line I would arvise you to call on them npr8-1w WM AIMISON HANSEN'S PIANOS PIANOS. PIANOS.

PIANOS. PIA OS. PIANOS. 4.50 ANOTHER TRIUMPH!

THE subscriber respectfully invites the attention of the public, and of purchasers particularly, to the rior Promium Pianos, Manufactured by with-Our Planos have received a Premium two years in succession, 1856 and 1857, at the Fairs of the Ameri-can Institute, Crystal Palace, in competition with most of the leading manufacturers of New York and Boston, and are unquestionably of the best quality betone, full, round and brilliant, as well as finish and durability, and we flatter ourselves, by the approval of renowned artists, in venturing to say that our Piareas stand superior to many others, and equal to any Grand Piano in regard to volume of tone and elasticity of touch, combined with the greatest firmness, which is very rarely met with in other Panes. We respectfully solicit an examination from strangers and friends to convince themselves of the above before purchasing elsewhere. All our Planes are war-ranted. H. BANSEN, Manufacturer of Piano Fortes, 100 Centre street,

NOTICE. A T a meeting of the Directors of the Tennessee Ma-dend of six dollars per share was declared, out of the rofits of the last 6 months, payable in Cash at the office of said company.

A. W. BUTLER, See'y.

SHINGLES, CHEAP FOR CASH. 75.000 PINE Poplar Shingles. Call at P. F. HARDCASTIE.

SPRING AND SUMMER GOODS! FOR CASH ONLY! WE are receiving our stock of STAPLE AND FANCY GOODS, for Spring and Summer, which

we are offering to the trade at very low prices, FOR CASH ONLY. We mylle the attention of all Cash Buyers to a care of examination of our stock before making their pur-chases, being fully satisfied we can make it in their and small profits for cash. W. A. & J. G. MCCLETLAND. apr7-tf mag 51 and 55 College street.

Pay Notice! W 5 most earnestly call upon all persons indebted to us, either by note or book account, to come forward and pay up, as we must have all of our ac-counts closed. We distike to put any of our friends to any extra costs, but will be compelled to do so if this

Fresh Arrivals Of Ladies' Misses' and Children's Wear. L ADIES' superior stitched salf kid Congress Galters, it Italian cloth Laced Galters, with and with

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Ladies' fine kid Congress Books.

" thick sole " heels.

" thin sole " heels.

" kid pump heet Boots.

Children's goal, kid and French Morocco Bo nd thin soles.
Childrun's Est Boots, small sizes, a great variRaceived by JOHN RAMAG
march24—4f 42 College fi Amusements.

CRISP'S GAIETY

Second appearance of the EMINENT ACTRESS. MISS ELIZA LOGAN, he distinguished Nashville Favorite, in a Celebrated

On Friday Evening, April 9th, 1858, Will be acted the beautiful play, in five acts, by Sheridan Knowless entitled the HUNCHBACK. Julia, Miss Eirza Logan; Master Walter, Mr. P. A. Frezgenath. Character Dance, Miss E. HENRABE. To conclude the admirable Farce of WHO SPEAKS FIRST? ress Circle and Parquette,.... Full particulars see Programme Bills.

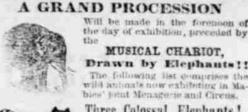


Newly Organized Double Troupe of Menagerie and Circus! Magnificently fitted up for the Season of 1858.

TONEY PARTOR. The combined Menageric and Circus will exhibit at FRIDAY AND SATURDAY, APRIL 9th and 10th,

For Two Days Only---Afternoon and Night. Doors open at 2 o'clock and 7 P. M. Admission 50 conts; Children and Servants 25 cent

On Market Street, near the Gas Works,



MUSICAL CHARIOT. Drawn by Elephants!! The following list comprises the wild animals now exhibiting in Mabies' total Menagerie and Circu Three Colossal Elephants! Forming the team of the GREAT BAND CHARIOT!!

Ten magnificent Liens, Royal Bengal Tiger, Brazilian Black Tiger Leopards, Panthers, Congar, Ocelor Tigar Cuts, striped and spotted Hy onas, Grizzly and Black Bears, Can slack Wolves, white Coon, Badgers Percupines, and a wilderness of Birds and Mukeys,

Free Exhibition! GRAND WIRE ASCENSION By Mad. Leontine. This great feat is done daily, on the outside of the Pavilion, and free to all, (except in cases of very high winds or rain, which would render it revolting to humanity.)

pictorial and descriptive bills and

New Unblications.

F. HAGAN, No. 39, Market Street, NASHVILLE, TENNESSEE.

WIDDENSIA AND DETAIL DEATHERS Medical, Miscellaneous and School Books, TOGETHER WITH Letter, Cap, News, Wrapping

and other Papers; WITH A LARGE ASSOCIATION OF Ink, Slates, Pencils and Stationery generally.

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For April, Just received by

NEW BOOKS. The Three Beauties, by Mr. Sournwoors, author

of the "Lest Heiress, &c." This "is a picture of life, manners and scenery, in the sunny South," and is one The Lost Daughter, by Mrs. Coroline Lee Hentz authr of "Linda," &c. This is esteemed one of the fair authoresi best works, and we agree with the

Cincinnati Gazette, that among American authors of The Belle of Washington, by Mrs. N. P. LASwere. Though a work of fiction, the scenes portrayed in this book are said to be "not fancy sketches, but a

true picture of life in Washington," which can be carily recognized by those familiar with society in the The Two Apprentices, with a history of their La-The Perils of certain English Prisoners, and

oir treasure in woman, children, silver and jewels Both of these looks are from the prolific pen of Charles F. HAGAN.

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Passengers for Memphis leave Nashville on the 2 P M. train, which connects at Sievenson with M. & C. Those for McMinnville and Sparta will leave Nashville on the 2 P. M. train, which connects directly at Tulishoma with the train for McMinuville. The train which leaves McMinuville at 12:30, connects with the day train from Chattanooga and arrives at Nashville at At Nashville there is a daily connection with boats for St. Louis, Chemnati, Louisville, Memplate, New Or-leans, Pittsburg, &c., &c., also a daily line of stages for Through Tickets can be precured at the Depot before the starting of the trains, for McMinnville, Huntsville, Memphis, Junetics, Atlanta, Macon, Montgomery, Char-

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